

Attorney Docket No. 06620-026001
Appl. No. 09/771,146
Amdt. dated July 24, 2003
Reply to Office action dated February 25, 2003

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Initially, applicants respectfully request withdrawal of the finality of the official action. Note MPEP states that it is improper to make a final rejection when a new ground of rejection is applied against a claim which was not amended. Here, claim 134 was not amended, and the rejection of that claim is characterized as "a new ground of rejection". Accordingly, it is respectfully suggested that the official action was prematurely made final, and withdrawal of the finality is requested.

Certain enumerated claims stand rejected under 35 USC 103 as allegedly being unpatentable over Eino et al. in view of Sauer et al. This contention, however, is respectfully traversed, and it is respectfully suggested that the rejection does not meet the patent office's burden of providing a prima facie showing of unpatentability.

Importantly, claim 1 and other similar claims require two different sleeve assemblies, a first sleeve assembly which includes a mirror which forms a fixed angle relative to an axis

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of the sleeve assembly, and "further comprising an additional sleeve assembly with an additional mirror that forms a different fixed angle relative to the axis...". In this way, there are two different sleeve assemblies having mirrors of different angles.

The rejection states that Eino et al. meets the claims, however admits that Eino et al. "fails to teach a plurality of sleeve assemblies having mirrors of different angles". This statement is correct: Eino et al. teaches only a single sleeve assembly having a single mirror at a single angle.

The reference to Sauer et al. also is admitted by the rejection as failing to teach mirrors of different fixed angles see page 3 of the official action.

Accordingly, by the patent office's own admission, neither reference or the combination teaches an endoscope with a plurality of sleeve assemblies having mirrors of different angles. While it is admitted that Eino et al. uses an angled mirror to change the angle of view, there is no teaching or suggestion of multiple different sleeves with different angles to enable multiple different angles of view. Even if Sauer et al. somehow teaches that adjustability would be useful, he teaches nothing about how to adjust in the specific way taught by the present application. Specifically, the concept of

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multiple sleeve assemblies with different mirror angles is nowhere taught or suggested by the cited prior art, and therefore all the claims which define this feature are completely allowable thereover.

Each of the dependent claims should be allowable for similar reasons. Specifically, none of the references, no matter how combined, teach multiple different sleeve assemblies for an endoscope, each sleeve assembly having a different fixed angle. Therefore, it is respectfully suggested that each of the claims should be allowable for these reasons.

In view of the above amendments and remarks, therefore, all of the claims should be in condition for allowance. A formal notice to that effect is respectfully solicited.